

HOUSE No. 2849

By Mr. O'Brien of Kingston, petition of Thomas J. O'Brien and others relative to the disclosure of certain information by the Disabled Persons Protection Commission. Public Health.

The Commonwealth of Massachusetts

PETITION OF:

Thomas J. O'Brien	Paul J. Donato
Bradley H. Jones, Jr.	Bruce J. Ayers
Christopher G. Fallon	Vincent Manuel deMacedo
Richard R. Tisei	Douglas W. Petersen

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE DISCLOSURE OF INFORMATION HELD BY THE DISABLED PERSONS PROTECTION COMMISSION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Chapter 19C of the General Laws, as appearing in the 1994
2 Official Edition, is hereby amended by adding the following
3 section after Section 3:
4 § 3A. Disclosure of Records
5 a) Except as otherwise provided in this section, all records con-
6 taining personal data which are created, collected, used, main-
7 tained and disseminated pursuant to this chapter shall not be
8 public records, and shall be governed by the provisions of chapter
9 sixty-six A, the notice provisions of section sixty-three of chapter
10 thirty enforcement provisions of section three B of chapter two
11 hundred and fourteen.
12 b) Any employee of the commission or a designated agency
13 who violates the provisions of chapter sixty-six A, as modified by
14 this section, with respect to records created or maintained under
15 this chapter shall be punished by a fine of not more than five hun-
16 dred dollars, or if harm shall have resulted to anyone whose pri-

17 vacy was sought to be protected by the provision violated, by a
18 fine of not more than one thousand dollars, and if such employee
19 is employed by the commonwealth, he shall also be subject to
20 administrative disciplinary action pursuant to regulations adopted
21 by the commission under section three of this chapter.

22 c) No provision of chapter sixty-six A, section one hundred and
23 thirty-five of chapter one hundred and twelve or this section
24 relating to confidential data or confidential communications shall
25 prohibit the commission from making reports to a district attorney,
26 the Attorney General, the United States Attorney or a designated
27 agency pursuant to the provisions of this chapter. No person pro-
28 viding notification or information to a district attorney, the
29 Attorney General, the United States Attorney or a designated
30 agency or testimony in any judicial or non-judicial proceeding
31 pursuant to the provisions of this section shall be liable in any
32 civil or criminal act by reason of such action.

33 d) Nothing herein shall be construed to limit the prosecutorial
34 power of a district attorney, the Attorney General or the United
35 States Attorney.